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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,207	01/22/2001	Steven F. Bierman	VINTL.087A	1175
20995	7590	08/27/2004		EXAMINER
				SIRMONS, KEVIN C
			ART UNIT	PAPER NUMBER
			3763	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/767,207	STEVEN F. BIERMAN
Examiner	Art Unit	
Kevin C. Sirmons	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 10 May 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 27-50 is/are pending in the application.
- 4a) Of the above claim(s) 27, 46 and 50 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 28-30, 32-38, 41-45 and 47-49 is/are rejected.
- 7) Claim(s) 31, 39 and 40 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 11/18/02, 8/6/02, 8/20/01
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of Invention IV in the reply filed on 5/10/04 is acknowledged.

As to the Species election, the examiner has reviewed the previous examiner's and found the election to be proper. Therefore, the election of species will not be withdrawn.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

Claims 28-29, 41-45 and 47-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 28, it is unclear how the at least one contract surface of the receptacle is configured and arranged to interact with the at least one contact surface of the spin nut when the contact surface of each appear to be the same.

Note: Applicant indicated that the at least one contact surface of the radially extending member is configured and arranged to interact with the at least one contact surface of the spin nut.

As to claims 44 and 45, it is unclear how there can be an engagement between the spin nut and the connector fitting when both appear to be one in the same. Maybe applicant intended and engagement between the spin nut and the radially extending member?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28, 41, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Zeman U.S. Pat. No. 3,540,451.

Zeman discloses a connector the fitting comprising: an elongated body (24), and at least one radially extending member disposed upon the elongated body (27), the at least one radially extending member having at least one contact surface (27); and a spin nut comprising a generally tubular body slidably and rotatably disposed upon the elongated body (11), a second screw thread disposed upon an inner surface of the spin nut (inner surface of 11), and a receptacle disposed distally upon the spin nut having an internal cross section (entry portion of 11), the receptacle having at least one contact surface disposed proximally of the distal end of the spin nut (inner entry portion of 11), the device of Zeman is fully capable and configured and arranged to interact with the at least one contact surface of the spin nut when the receptacle receives at least a portion of the radially extending member so as to transfer both axial and rotational forces between the spin nut and the connector fitting; as to claim 41, (fig. 2); as to claims 44 and 45, (fig. 2).

Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by Folden U.S. Pat. No. 5,536,258.

Folden discloses a connector fitting comprising: an elongated body (16) with at least one radially extending member disposed upon the elongated body (outer sleeve of 16); and a spin nut (110), a second screw thread disposed upon the inner surface of the spin nut (128), and a receptacle (distal end portion of 110) disposed distally upon the spin nut having an internal cross section which varies radially about its circumference, at least a portion of the radially extending member being adapted to be inserted into the receptacle of the spin nut, said portion extending entire around the axis of the elongated body (figs. 1-3).

Claim 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Bynum U.S. Pat. No. 5,586,790.

Bynum discloses a connector fitting comprising an elongated body (204), and at least one radially extending member disposed upon the elongated body (202), the at least one radially extending member having an external cross section which forms a polygon (202); a spin nut (200) comprising a generally tubular body (200) slidably and rotatably disposed upon the elongated body (figs. 18 and 19) of the connector fitting, and a receptacle disposed distally upon the spin nut having an internal cross section which varies radially about its circumference (222); as to claim 33, (figs. 18 and 19); as to claims 34-38, (see above rejections).

#### *Allowable Subject Matter*

Claim 29, 31, 39-40, 42-43, 47, 48 and 49 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kevin C. Sirmons whose telephone number is (703) 306-5410. The examiner can normally be reached on Monday - Thursday from 6:30 am to 4:00 pm. The examiner can also be reached on alternate Fridays.

*Sirmons*

Kevin C. Sirmons  
Patent Examiner  
8/26/04